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May 2, 2022

Via ECF

The Honorable John P. Cronan, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: **Bemejo et al v. Shaker Contractors, Corp. et al.**
Civil Docket No.: **22-cv-01427 (JPC)**

Dear Judge Cronan:

We represent Plaintiffs Marco Bemejo, Wilmer Euclides Buenoluja, Brayan Ignacio Munoz, Jose Alberto Agualsaca, Segundo Tacuri, Geovanny Pulaguachi, and Saul Dota Carchi, individually, and on behalf of all others similarly situated ("Plaintiffs") in this collection action, and we respectfully submit this letter motion and status report letter, to request an extension of time for the Plaintiffs to file their Motion for Entry of a Default Judgment, for the reasons explained below. This is Plaintiffs' first request for an extension of time to move, and this request for an extension does not affect any other scheduled dates or deadlines in this action, other than those relating to the Plaintiffs' anticipated motion.

Relevant Background

Plaintiffs commenced this FLSA action against Shaker Contractors, Corp., and Shahbaz Sher and Shahid Sher, as individuals (collectively, "Defendants") on February 22, 2022, to recover damages, in chief, for Defendants' failure to pay Plaintiffs any overtime wages, despite Plaintiffs regularly working for the Defendants in excess of 40 hours per week. *See* Dkt. No. 1. It is respectfully submitted that the Defendants herein have been served with process (*see* Dkt. Nos. 6-8), and are aware of Plaintiffs' complaint and of pendency of this matter against them, and nonetheless, to date, have not appeared nor interposed an answer to Plaintiffs' complaint.

As a result of the foregoing, on April 12, 2022, The Court issued an Order ("the Order") directing, *inter alia*, that "no later than May 2, 2022, Plaintiffs shall move for default judgment as to Defendants, in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases, or show cause why this case should not be dismissed for failure to prosecute. Defendants shall file any opposition to the motion for default judgment no later than May 16, 2022. Plaintiffs shall file any reply no later than May 23, 2022. It is further ORDERED that Defendants [shall] appear and show cause at a hearing before this Court on May 25, 2022, at 3:00 p.m." *See* Dkt. No. 10.

The Court's Order was served on all Defendants on April 14, 2022. *See* Dkt. No. 11. Insofar as Defendants still had not responded, appeared, or retained counsel, upon Plaintiffs' request, the Clerk of Court entered the default of all Defendants on April 27, 2022. *See* Dkt. No. 16. Lastly, later that same day, on April 27, 2022, Plaintiffs served the Defendants with the Clerk's Certificate Of Default; Supporting Affirmation; and courtesy copies of the Plaintiffs' Summons and collective action Complaint. *See* Dkt. No. 17.

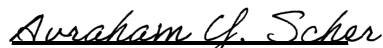
Plaintiffs' Instant Request for an Extension of Time to Move against the Defendants

As we are currently still in the process of procuring and drafting the Plaintiffs' supporting affidavits, we respectfully request fourteen (14) days from the date of the Court's granting of this request, for Plaintiffs to file their anticipated motion for the entry of a default judgment against all Defendants, and related motion papers, in accordance with Your Honor's Individual Motion Practices and Rules –should the Defendants fail to respond or appear on this matter by such time.

If this request is granted, Plaintiffs can move by Monday, May 16, 2022. Should the Defendants retain counsel or otherwise appear or respond on this matter prior to May 16, 2022, we will promptly apprise Your Honor of same.

We thank the Court for its kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,


Avraham Y. Scher, Esq.

The request is granted. Plaintiffs shall move for default judgment by May 17, 2022, Defendants shall oppose by May 31, 2022, and Plaintiffs shall reply by June 7, 2022. The hearing previously scheduled for May 25, 2022, Dkt. 10, is adjourned until June 8, 2022 at 3:00 p.m. At the scheduled time, counsel for all parties shall call (866) 434-5269, access code 9176261. Plaintiffs shall serve Defendants with this Order by May 6, 2022, and shall file proof of service on the docket by May 10, 2022.

SO ORDERED.

Date: May 3, 2022

New York, New York


JOHN P. CRONAN
United States District Judge